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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,619	08/07/1999	MICHAEL DAVID ERLANGER	114459-05	8285

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EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3694

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/370,619

### Applicant(s)

ERLANGER, MICHAEL DAVID

### Examiner

Ella Colbert

### Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 187-251,299 and 300 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 187-251,299 and 300 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 187-251, 299, and 300 are pending. Claims 187, 188, 195-200, 205-207, 213-225, 228, 229, 236-238, 241-251, and 299 have been amended in this communication filed 07/07/06 entered as Response After Non-Final Action and New or Additional Drawings.
2. The Drawings have been reviewed and accepted.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 187, 213, 225, and 241 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The claims have missing steps which are considered to be critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Claim 187 recites "..., comprising the method of: in a market for a class of financial products in which transactions for products of the class occur among market participants in distinct first and second sectors, the first and second sectors ..., ...; and outputting a predetermined pricing scheduled ....". Claim 187 has a step missing and is not considered to be in the proper method claim format. Claim 187, for example could recite "providing in a market a class of financial products in which transactions for the financial products of the class occur among market participants in distinct first and second sectors, the distinct first and second sectors being origination

and secondary trading of financial products of the class; providing computerized intermediation services in the distinct first and second sectors of origination and secondary trading of the financial products of the class; outputting a predetermined pricing schedule ...; and (another step needs to follow using “first sector” and “second sector” in the claim limitation tying the two limitations together. Claims 187, 213, 225, and 241 have a similar problem.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 187, 196, 198, 213, 225, and 241 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 187 recites in a market ...”. It is unclear what kind of “market” is being used for a class of financial products. Is this a “financial market” or a market for the origination and secondary trading of financial products of a particular class of financial products? Claims 213, 225, and 241 have a similar problem. Claim 196 recites storing in the database loan “applicant’s information” or more than one “applicants’ information”? Claim 198 recites “applicant’s information”. It is unclear whether there is one “applicant” or more than one “applicant”. Claims 188-212, 214-224, 226-240, 242-251, 299, and 300 are also rejected because they depend on a rejected base claim.

### ***Claim Objections***

7. Claims 189, 201, 214, 216, 218, 219, 221, 224, 226, 227-229, 231-234, 244, 248-251, 299, and 300 are objected to because of the following informalities: Claim 189 recites "..., wherein:". This line would be better recited as "..., wherein ...". Claims 201, 214, 216, 218, 219, 221, 224, 226, 227, 231-234, 239, 242-244, 248-251, 299, and 300 have a similar problem. Claims 228 and 229 are objected to for reciting "essentially contemporaneously with the closing of each of a plurality ..., updating ...". The claims would be better recited as "further comprising with the closing of each of a plurality ..., updating ...". Appropriate correction is required.

#### **Inquiries**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 16, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER